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September 18, 2023

Via ECF

The Honorable J. Paul Oetken,
Thurgood Marshall United States Courthouse,
40 Foley Square, Room 706,
New York, New York 10007.

Re: Dou et al., v. TD Bank N.A., No. 1:23-CV-04880-JPO

Dear Judge Oetken:

I write on behalf of Defendant TD Bank, N.A. (“TD Bank”), pursuant to Section 3(C) of Your Honor’s Rules and Practices in Civil Cases, to request an extension of time for TD Bank to respond to Plaintiffs’ Second Amended Complaint, and an extension of time for the associated briefing schedule, in the above-referenced action. Plaintiffs consent to the relief requested herein.

On August 28, 2023, Your Honor entered a civil case management plan and scheduling order (ECF No. 22, the “Scheduling Order”), setting a schedule for Plaintiffs to file their Second Amended Complaint and for TD Bank to answer or respond. The Scheduling Order further provides that the deadlines “are subject to extension of time for good cause, including based on any new claims asserted or new facts alleged in an amended complaint.” (ECF No. 22 at 4.)

The Plaintiff filed their Second Amended Complaint on September 7, 2023. (ECF No. 23.) As a matter of record, TD Bank, through its counsel, agreed to accept service of process of the Second Amended Complaint. The Second Amended Complaint adds to Plaintiffs’ prior complaint a new plaintiff, new factual allegations and new claims.

Under the current Scheduling Order and Local Rule 6.1, TD Bank must move to dismiss by September 28, 2023, Plaintiffs must oppose that motion by October 12, 2023, and TD Bank must reply by October 19, 2023. The parties have conferred, and agreed, subject to the Court’s approval, to the following amendments to the Scheduling Order and briefing schedule for TD Bank’s motion to dismiss:

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<u>Filing</u>	<u>Current Deadline</u>	<u>Requested Deadline</u>
TD Bank's Motion to Dismiss	September 28, 2023	October 20, 2023
Plaintiffs' Opposition	October 12, 2023	November 20, 2023
TD Bank's Reply	October 19, 2023	December 11, 2023

This is the parties' first request for an extension of time regarding TD Bank's motion to dismiss and associated briefing schedule. Pursuant to the Scheduling Order, Plaintiffs' inclusion of a new plaintiff, new factual allegations and new claims in the Second Amended Complaint constitutes "good cause" to extend the time set forth in the Scheduling Order.

Respectfully submitted,

/s/ *Matthew J. Porpora*

Matthew J. Porpora

cc: *All counsel* (via ECF)